

Serial No.: 10/725,747

**REMARKS/ARGUMENTS**

This response is timely filed as it is filed within the ONE (1) month shortened statutory period for response to the outstanding Office Action.

No additional claim fee is believed to be due because neither the total number of pending claims nor the number of independent claims is believed to exceed the total number and the number of independent claims, respectively, for which fees have previously been paid. If, however, it is determined that such a fee is properly due as a result of this communication, the Commissioner is hereby authorized to charge payment of such fees or credit any overpayment, associated with this communication, to Deposit Account 19-3550.

Claims 1-28 remain in the application.

**Elections/Restrictions**

The Office Action states that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11 and 21-28, drawn to an igniter composition, classified in class 149, subclass 19.4.
- II. Claim 12, drawn to a hybrid gas storage container, classified in class 280, subclass 736.

III. Claim 13, drawn to a shaped foam igniter, classified in class 102, subclass 200.

IV. Claim 14, drawn to a damper pad, classified in class 280, subclass 741.

V. Claim 15, drawn to an igniter stick, classified in class 102, subclass 202.

VI. Claims 16-20, drawn to method of making a foamed igniter composition, classified in class 149, subclass 109.6.

The Action alleges that the inventions are distinct from the other because of the following reasons:

Inventions I and VI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product can be made by mixing and drying.

Inventions II, III, IV, and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP §808.01). In the instant case, the different inventions are all different uses of an igniter composition and they cannot be practiced together.

The invention of Group I (i.e., claims 1-11 and 21-28) directed to an igniter composition is elected with traverse.

Regarding the traversal, it is respectfully submitted that the Action has misidentified the subject matter and/or nature of the claims. For example, while the Action asserts that inventions I and VI are related as process of making and product made, claims 1-11 and 21-28 (the claims the Action identified as constituting invention I) are directed to an igniter composition and claims 16-20 (the claims the Action identified as constituting invention VI) are directed to a method of making a foamed igniter substance, thus neither invention I nor invention VI constitute product claims.

As the Action has failed to properly identify a basis for restriction between the inventions of Group I and Group VI, the required restriction therebetween is unsupported. In view thereof, the withdrawal of such restriction is requested and notification to that effect is solicited.

Furthermore, while the Action states inventions I and VI are distinct and inventions II, III, IV and V are unrelated, the Action has neither alleged nor identified any proper basis for restriction between the inventions of either I and VI and the inventions of II, III, IV and V, respectively.

In view thereof, the withdrawal of such restriction is requested and notification to that effect is solicited.

Moreover, at least inventions II, III, IV and V have not been shown to be unrelated to invention I. In this regard it is noted that Claim 12 (Invention II), Claim 13 (Invention III), Claim 14 (Invention IV), and Claim 15 (Invention V), are each dependent on claim 1 (e.g., Invention I). It is also noted that claims 16-20 (Invention VI) are also dependent on claim 1.

In view of the above, the withdrawal of the outstanding restriction requirement is requested and notification to that effect is solicited.

The Action has further required, for either Group elected, under 35 U.S.C. 121 the election of a single disclosed species based on the binder for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Action further alleges that currently “no claims appear generic.”

The binder, dipolymers of vinylidene fluoride and hexafluoropropene, is elected with traverse.

Of the above elected claims 1-11 and 21-28 (the claims the Action identified as constituting invention I), each of claims 1-11 and 21-28 is believed to be readable on the so-elected invention species. Moreover, of the above elected claims 1-11 and 21-28 (the claims the Action identified as constituting invention I),

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at least claims 1-4, 6-11, 21 and 23-28 are believed to be generic relative to the binder and thus constitute a basis for traversal from the assertion in the Action that "no claim appears generic."

In addition, each of claims 12-20 is also believed to be readable on the  
5 elected binder species, i.e., dipolymers of vinylidene fluoride and hexafluoropropene.  
In addition, each of claims 12-20 is also believed to be generic relative to the binder.

### Conclusion

It is believed that the above elections are properly responsive to the  
10 requirements contained in the Action and that the application is in condition for  
substantive examination. Should the Examiner detect any issue or have any question,  
the Examiner is kindly requested to contact the undersigned by telephone at the  
(847) 490-1400, in an effort to expedite examination of the application.

Respectfully submitted,



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